

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division**

| | | |
|---------------------------------|---|--------------------------------|
| UNITED STATES OF AMERICA |) | |
| |) | |
| v. |) | Case No. 1:20-cr-239 |
| |) | |
| |) | Hon. T.S. Ellis, III |
| |) | |
| ALEXANDA AMON KOTEY, |) | Trial: January 18, 2022 |
| |) | |
| Defendant. |) | |

**ALEXANDA KOTEY'S RESPONSE TO THE ELEMENTS BRIEF
FILED BY THE PROSECUTION**

Procedural Background

On May 17, 2021, the government filed an *ex parte, in camera* motion pursuant to section 4 of the Classified Information Procedures Act ("CIPA"). On June 1, 2021, Mr. Kotey filed his opposition to the government proceeding *ex parte* with its CIPA Section 4 filing. (ECF No. 65). On June 28, 2021, this Court denied Mr. Kotey's motion in opposition, but directed the government to file a brief setting forth the elements for each of the offenses charged in the indictment. (ECF No. 68). In the same Order, the Court directed Mr. Kotey to inform the Court should he disagree with the elements as provided by the government. The Court also invited Mr. Kotey to submit for its consideration Mr. Kotey's theory of potential defenses at trial.

Mr. Kotey was to set forth his objections by July 13, 2021, which deadline was extended by this Honorable Court to August 11, 2021. Mr. Kotey's theory of potential defenses is due to the Court on August 16, 2021 (ECF No. 76).

Response

Having reviewed the Government's "Elements Brief", (ECF No. 69), Mr. Kotey informs the Court that he does not disagree with the government's recitation of the elements of the offenses charged in the Indictment, in that the elements as recited by the government are sufficiently stated for the Court to evaluate Mr. Kotey's opposition to government's *ex parte* CIPA Section 4 filing.

Mr. Kotey reserves all his rights with respect to the law and facts for the purposes of all further proceedings.

Respectfully submitted,

ALEXANDA AMON KOTHEY

By counsel,
Jeremy C. Kamens
Federal Public Defender

By: /s/ Brooke Sealy Rupert
Brooke Sealy Rupert
Va. Bar No. 79729
Assistant Federal Public Defender
Office of the Federal Public Defender
1650 King Street, Suite 500
Alexandria, Virginia 22314
703-600-0840
703-600-0880 (fax)
Brooke.Rupert@fd.org

CERTIFICATE OF SERVICE

I, Cadence Mertz, hereby certify that on August 11, 2021, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will then send a notification of such filing (NEF) to counsel of record.

/s/Cadence Mertz

Assistant Federal Public Defender
Office of the Federal Public Defender
1650 King Street, Suite 500
Alexandria, Virginia 22314
703-600-0840
703-600-0880 (fax)
Cadence_Mertz@fd.org